

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNION LEASING, INC.,)	
)	
Plaintiff)	
)	
v.)	Case 3:12-0666
)	Judge Campbell/Brown
)	Jury Demand
ADVANTAGE, INC. d/b/a ACCESS CAR)	
RENTAL; ROBERT MARK MOONEYHAM;)	
and ABC BOWLING GREEN, LLC d/b/a)	
ABC BOWLING GREEN AUTO AUCTION,)	
)	
Defendants)	

O R D E R

A 40-minute telephone conference was held with the parties in this matter on October 29, 2013. Union Leasing is seeking to take the deposition of three former employees of Advantage, Inc. concerning the merits of this case. One of the witnesses, Mary Davis, has previously taken the Fifth Amendment when her deposition was undertaken. Two other witnesses, Terry Overstreet and Leigh McConnell, have stated through their attorneys that they would take the Fifth Amendment. Union Leasing has represented to the Magistrate Judge that attorneys for Overstreet and McConnell have indicated they would be willing to testify if Union Leasing made certain concessions. Union Leasing was initially opposed to such concessions, but is now willing to agree to them.

Union Leasing would like to have the current stay in the matter (Docket Entry 90) entered by Judge Campbell lifted to allow them to see if these three depositions could be taken.

After a considerable amount of discussion with the parties it appears that no one is certain what these witnesses will do at the present time. Accordingly, Union Leasing may have until **November 19, 2013**, to discuss this matter with the witnesses' attorneys to see if the witnesses are willing to be deposed. If they are, the Magistrate Judge will be willing, with Judge Campbell's concurrence, to lift the stay for that purpose. If they are not willing, then there is no reason to request a modification of the stay and the parties should comply with Judge Campbell's order for a status report on or before **December 31, 2013**.

The Magistrate Judge would encourage the attorneys to avoid personal attacks in their pleadings. Attorneys can disagree about many matters, but there is no reason to make the matter personal.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge